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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/621,182	07/16/2003	William t. Sanders	030454.00004	2357

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EXAMINER

ALI, MOHAMMAD M

ART UNIT

PAPER NUMBER

3744

DATE MAILED: 10/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/621,182	Applicant(s) SANDERS, WILLIAM T.	
	Examiner Mohammad Ali	Art Unit 3744	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 September 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 21-23 and 27-32 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 21-23 and 27-32 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

FINAL REJECTION

Response to Amendment

Applicant's request for reconsideration of the finality of the rejection of the last Office action is persuasive and, therefore, the finality of that action is withdrawn.

Drawings

The drawings are objected to under 37 CFR 1.83(a). The drawings must show every feature of the invention specified in the claims. Therefore, the "money receptacle" for claims 21, 27, 29; "changer" for claims 21, 27; must be shown or the feature(s) canceled from the claim(s). No new matter should be entered.

A proposed drawing correction or corrected drawings are required in reply to the Office action to avoid abandonment of the application. The objection to the drawings will not be held in abeyance. The drawing does not even graphically illustrate the claimed feature and hence the drawing is not in accordance with MPEP 608.02(d).

Claim Rejections - 35 USC § 112

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claims 27-32 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. The phrase, "set volume of ice" of claim 31 in lines 11 and 12 and in line 10 of claim 32 and the phrase "pre-set volume of ice" in line 13 of claim 32 are rendering the claims indefinite.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 21-23 are rejected under 35 U.S.C. 102(b) as being anticipated by Boulter (6093312). Boulter discloses an ice dispensing machine/ice maker 2019, a compartment including a compartment wall 2003; the compartment containing an ice dispenser/ice hopper 2028 including a dispenser chute (see the top part of ice delivery chute 2004 on top of vend shutter 3301 in Fig. 23) the compartment wall having an opening through which the dispenser chute is positioned (see the ice chute comprising of dispensing and delivery part is coming out from the front wall 2003 in Fig. 17); a dispensing panel/ ice dispensing window 2003 with ice dispensing button 2014 attached to the compartment wall including a front and recess an ice delivery chute 2004 passing through the dispensing panel into the recess (the recess is with the window 2003 through the ice chute 2001 comes out in Fig. 17), the delivery chute being adapted to receive the ice from the ice dispenser/ice hopper 2028 through the dispensing chute configured on top of the vend shutter 3301 (see Fig. 17 and 20 and 23); a shelf/ice container pedestal 2010 arranged beneath the delivery chute 2004, a distance sufficient to allow an ice bag 2009 to be positioned beneath the delivery chute 2004; and an

activating unit/ice button 2014, including a money receptacle/bill acceptor 1404 for accepting money/bill and activating the dispenser 2028 to deliver ice through the dispenser chute and delivery chute 2004 into the ice bag 2009, the upper end of the ice delivery chute 2004 containing a safety shutter 3302 is located within a chamber formed in the dispensing panel of a bag dispenser 2007 (see Fig. 20).

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 27-32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Boulter. Boulter discloses the invention substantially as claimed as stated above. However, Boulter does not specifically disclose the distance between the delivery chute and the shelf. But Boulter discloses two sides vend windows 1002, which is holding a bottle 1400 of 5 gallons capacity, the same window also contains a bottle 1401 of one-gallon capacity. It is well known that one gallon capacity bottle is approximately around 11 inches to 12 inches in height. Fig. 14 it illustrates that the 5 gallon capacity bottle 1400 is at a height which is approximately more than twice the height of the one-gallon bottle 1401. Therefore, bottle 1400 is approximately around two feet height. Boulter also discloses a folding shelf 1013. Therefore, Applicants distance between the delivery chute and the shelf is meeting obviously with Boulter. Boulter also discloses a shelf/ledge 1015, which is strong enough to hold a bottle 1400 of 5 gallons of water.

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Although, Boulter, does not disclose to hold ice by his larger vend window 1002 it is obvious to an individual having ordinary skill to replace the ice window by the larger window including the folding shelf 1013.

Response to Arguments

Applicant's arguments with respect to claims 21-23 and 27-32 have been considered but are not persuasive in view of the new ground(s) of rejection. Boulter discloses two sides vend windows 1002, which is holding a bottle 1400 of 5 gallons capacity, the same window also contains a bottle 1401 of one-gallon capacity. It is well known that one gallon capacity bottle is approximately around 11 inches to 12 inches in height. Fig. 14 it is illustrates that the 5 gallon capacity bottle 1400 is at a height which is approximately more than twice the height of the one-gallon bottle 1401. Therefore, bottle 1400 is approximately around two feet height. Boulter also discloses a folding shelf 1013. Therefore, it obviously supports that the height of the space between the shelf/ledge 1015 and water dispensing nozzle protector 1006 (see Fig. 14) is approximately 2 feet. The Applicant perceives that stationery pedestal 2010 is adapted to support a container. The Examiner considers the container as an ice chest without disclosing the height of the chest. Boulter also meets the approximate 2 feet height as explained above. It is correct that Boulter Patent is directed to a kiosk but this kiosk teaches directly and indirectly the claimed features as explained above. Therefore, the rejection is proper.

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Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is 703-308-5032. The examiner can normally be reached on Monday to Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Esquivel Denise can be reached on 703-308-2597. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Md. Moham Ali

Mohammad M. Ali
October 21, 2004

Cheryl J. Tyler
CHERYL J. TYLER
PRIMARY EXAMINER